

THIRD DAY.

Senate Chamber,
Austin, Texas,
Friday, April 20, 1917.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Suiter.

The roll was called, a quorum being present, the following Senators answering to their names:

Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Gibson.	Strickland.
Hall.	Suiter.
Hopkins.	Westbrook.
Hudspeth.	Woodward.
Johnson of Hall.	

Absent.

Harley.

Absent—Excused.

Alderdice.	Henderson.
Bailey.	Smith.
Floyd.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

Excused.

Senator Johnston of Harris was excused for the next several days from attendance on account of important business, on motion of Senator McNealus.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

Private Secretary to Lieutenant Governor.

The Chair announced the appointment of William Atkinson as private

secretary to the Lieutenant Governor, to be effective on and from April 18th.

The Lieutenant Governor also announced the discontinuance of the position of special messenger, filled by J. S. Crawford during the Regular Session of the Legislature.

Messages from the Governor.

Here the following messages from the Governor were received and laid before the Senate:

Governor's Office,
Austin, Texas, April 19, 1917.

To the Thirty-fifth Legislature in Called Session.

At the request of Senator I. E. Clark, I hereby submit for the consideration of your body the following bills, hereto attached:

An Act extending the boundaries of the Rock Island Independent School District, enlarging and defining its boundaries; and

An Act enlarging the Columbus Independent School District, in Colorado County, Texas, defining its boundaries as enlarged,

Together with such amendments, conditions and provisions as the Legislature may in its discretion provide.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, April 19, 1917.

To the Thirty-fifth Legislature in Called Session.

I submit for your consideration the matter of making appropriations to pay all deficiency allowances made by the Executive Office, the amount of which is on file in the Comptroller's Office.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Message from the House.

Hall of the House of Representatives.
Austin, Texas, April 20, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 1, Requirnig the En-

rolling Clerks of the Senate and the House to make carbon copies of all enrolled bills and resolutions that are sent to the Governor for his approval, and to furnish copies of same to the Secretary of State at the same time the original bills and resolutions are transmitted to the Governor.

S. C. R. No. 2, Adopting the joint rules of the Regular Session of the Thirty-fourth Legislature as the joint rules to govern the First Called Session of the Legislature.

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

New Member Added to Special Committee.

Senator Dayton made the following written motion:

I move that another member be added to the committee, under Senate resolution providing for a committee from Senate and House to make recommendations to present Finance Committee of this Legislature, so as to prevent overlapping and duplicating work by the Agricultural and Mechanical College, Department of Agriculture, Department of Warehouse and Marketing, University and other departments doing extension work in Texas.

DAYTON.

The motion was read and adopted and the Chair appointed Senator Bee as a member of the committee named in the foregoing motion.

Ex-Senator McGregor's Barbecue.

On motion of Senator Gibson, ex-Senator T. H. McGregor was invited to address the Senate, which he did, and extended to the Senators, their families and the employes of the Senate, an invitation to take supper with him at his rural home on the evening of May 2.

On motion of Senator Dayton, the invitation was accepted by the Senate.

An Invitation.

Texas School for the Blind,
Austin, Texas, April 20, 1917.
Lieutenant Governor Hobby and the
Senators of Texas.
Gentlemen: You are most cordial-

ly invited to be present at an entertainment given in your honor by the Texas School for the Blind on Thursday evening, April 26, 8:15 p. m., at the Majestic Theatre.

Most respectfully,

E. E. BRAMLETTE,
Superintendent.

Bills and Resolutions.

By Senator Clark:

S. B. No. 4, A bill to be entitled "An Act enlarging the Columbus Independent School District, in Colorado County, Texas, defining its boundaries as enlarged, etc., and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Clark:

S. B. No. 5, A bill to be entitled "An Act extending the boundaries of the Rock Island Independent School District, enlarging the same and defining its boundaries, etc., and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Bee:

S. B. No. 6, A bill to be entitled "An Act to create a permanent textbook commission for the State of Texas; to be styled the "Texas Textbook Commission;" defining its membership and appointment; authorizing the adoption of a system of uniform textbooks in this State; providing the manner in which revisions of adopted texts may be made; to prohibit lobbying before the commission by legal and special representatives of authors and publishers; to prescribe rules and regulations for the commission in entering into contracts with the schools of the State; to prescribe penalties for the violation of the provisions of this Act; to provide for the enforcement of contracts; to make an appropriation to carry into effect the provisions of this Act; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Hudspeth:

S. B. No. 7, A bill to be entitled "An Act to make appropriations to cover authorized deficiencies for the fiscal year ending August 31, 1912, and to cover authorized deficiencies for the fiscal year ending August 31,

1913, and to cover authorized deficiencies for the fiscal year ending August 31, 1914, and to cover authorized deficiencies for the fiscal year ending August 31, 1915, and to cover authorized deficiencies for the fiscal year ending August 31, 1916, being amount of registered deficiency warrants as shown by the records of the State Comptroller; and amounts estimated for the fiscal year ending August 31, 1917."

Read first time and referred to Committee on Finance.

By Senator Hudspeth:

S. B. No. 8, A bill to be entitled "An Act to appropriate out of the general revenue, not heretofore appropriated, the sum of twenty-seven hundred and forty-nine dollars and eighty-seven cents (\$2,749.87), or so much thereof as may be necessary to defray the expenses of the Employers' Liability Act by the Industrial Accident Board in carrying out the provisions of that Act as amended by Senate Bill No. 237 passed at the Regular Session of the Thirty-fifth Legislature of the State of Texas, such expenses to be for the fiscal year ending August 31, 1917, and declaring an emergency."

By Senator Dayton:

S. B. No. 9, A bill to be entitled "An Act to authorize the Board of Education of the State and of counties, cities, local systems, separate school districts, and district agricultural, vocational or training schools to adopt school books, other than the regular basal elementary school books provided by the uniform textbook law, from an approved list issued by the State Board of Education, and to purchase all school books and sell, rent or furnish them free to pupils; to require publishers to file sample copies of all school books to be sold in the State with the State Superintendent of Schools; to require publishers to sell school books to public school authorities in this State at the lowest net wholesale prices given anywhere in the United States; to provide for teaching of United States infantry drill tactics in schools of this State; to require publishers to give bond to the State; to provide punishment and penalties for the violation of this Act, and for other purposes."

Read first time and referred to Committee on Educational Affairs.

Simple Resolution No. 8.

Whereas, We are now engaged in one of the greatest wars of all history and to meet the expenses of same it has become necessary for our Federal Government to tax to the limit every resource it has at its command,

Whereas, Food prices have increased in the last few months from 50 to 100 per cent; be it

Resolved, That it is the sense of this body that we make no appropriations at this session except those that are actually necessary to maintain existing institutions; that our State Government be conducted on a war basis; be it further

Resolved, That because of the reasons above set out and as a war measure, that hereafter during the present crisis a majority of the Finance Committee of the Senate should consist of Senators who have the least number of institutions in their districts.

STRICKLAND.

The resolution was read, and Senator Strickland moved the adoption of the same.

As a substitute, Senator Gibson moved to refer the resolution to the Finance Committee.

Senator Bee made the point of order that it is not within the province of the Senate to instruct future Senators in the matter of committees or otherwise, and that the resolution is therefore out of order.

The Chair overruled the point of order, stating that the Senate could adopt such resolution, which would have the effect of a recommendation only.

Action recurred upon the substitute motion of Senator Gibson to refer the resolution to the Finance Committee, and the same was substituted for the original motion.

Senator Lattimore moved as a substitute for the pending motion that the resolution be referred to the Committee on Rules, which substitute was accepted by Senator Gibson.

Action then recurred upon the motion of Senator Strickland as substituted, which was that the resolution be referred to the Committee on Rules, and the same was lost by the following vote:

Yeas—9.

Buchanan of Bell. McNealus.
 Buchanan of Scurry; Robbins.
 Johnson of Hall. Strickland.
 King. Suiter.
 Lattimore.

Nays—10.

Bee. Hopkins.
 Dayton. Hudspeth.
 Dean. Page.
 Decherd. Parr.
 Gibson. Westbrook.

Present—Not Voting.

Hall. McCollum.

Absent.

Caldwell. Harley.
 Clark. Woodward.

Absent—Excused.

Alderdice. Henderson.
 Bailey. Johnston of Harris.
 Floyd. Smith.

Action then recurred upon the resolution and Senator Hopkins moved to refer the same to the Committee on Finance.

The motion prevailed, and the resolution was accordingly referred.

Simple Resolution No. 9.

Whereas, The Honorable Travis Henderson of Lamar County, a former distinguished Senator of Texas and well-known "watchdog" of the State Treasury, is now in the city; therefore be it

Resolved, That he be invited to address the Senate and that the privileges of the floor be extended to him.

GIBSON.
 McNEALUS.

The resolution was read and adopted.

Simple Resolution No. 10.

By Senators McNealus, Hudspeth and Page:

Whereas, At the Regular Session of the Thirty-fifth Legislature, a resolution was unanimously adopted by the Senate, providing as follows:

"Whereas, The Hon. W. D. Suiter,

a Senator in this Chamber, has met with a misfortune which seriously incapacitates him from performing his duties as a member of this body, and which has caused him much suffering and anxiety; therefore be it

Resolved, That the sympathies of the Senate be extended to him in his affliction; and be it further

Resolved, That such trained nurse and medical attention as may be necessary until he is sufficiently recovered to resume his duties in this Chamber be provided by the Senate, and that said expenses be paid out of the contingent fund of the Senate.

"And, Whereas, Senator Suiter in a written communication addressed to the Senate, declined to accept any part of the expense of his illness, as provided in said resolution, but nevertheless, over his objection, the Contingent Expense Committee ascertained by private investigation that such expense amounted to the sum of \$175.00, and account for said amount was issued in his favor and presented to the Comptroller for payment"; and,

Whereas, Another resolution was unanimously adopted by the Senate, providing as follows:

"Whereas, Fifty-two years have now elapsed since the conclusion of the war between the States, and during every session of the Texas Legislature in those fifty-two years brave soldiers of the Lost Cause have represented the people of Texas in the Senate of this State; and

"Whereas, There are few remaining of those brave and gallant men who fought for Texas and for the South in that memorable conflict, and these few are to be gathered together in general reunion in the City of Washington, the capital of the nation, in the month of June of this year; and

"Whereas, This reunion of 1917 may be the last which shall ever be held of the Men Who Wore the Gray, and will certainly be the most important gathering of them which will be held, and will draw together in the seat of government of the earth's greatest nation the few remaining thousands of those hosts of Lee, Johnson, Jackson, Beauregard, Hill, Longstreet and Hood, which held at bay ten times their number of the bravest and best fighting men in the world for four long years; and

"Whereas, There is now in the Senate of the State of Texas one of the

men who served in the Confederate States army with credit to himself and honor to his people, and who since the close of the conflict has served the United States, the South and Texas with all the ability of a strong intellect and a willing heart, and who has ever been a friend to the old soldiers, whether of the Blue or the Gray, as well as to the helpless and the afflicted wherever they might be found, and who for thirty-nine years has worked as few men have been able to work for the up-building of this State and for the prosperity and happiness of its people; and

"Whereas, It is the desire of this State to convey to the soldiers of the Confederate States of America who shall assemble in reunion in Washington an appreciation of the bravery they displayed, the sacrifices they made, the privations they endured in defense of their homes, in defense of the South, and in defense of Texas from 1861 to 1865; and now therefore be it

"Resolved by the Senate of the Thirty-fifth Legislature of the State of Texas in Regular Session assembled, That Hon. R. M. Johnston, Senator from the Sixteenth Senatorial District of Texas, brave soldier in the Confederate army, able statesman and true citizen, be and is hereby constituted the Special Delegate of Honor from the Senate of the State of Texas to the Confederate Veterans' Reunion before mentioned; and be it further

"Resolved, That Senator Johnston convey to the Confederate soldiers in reunion assembled the sentiments of this Senate herein recited, and express to them the pleasure that this Senate of the State of Texas feels in thus sending as its Special Delegate of Honor to their reunion one of their own number, a man who fought with them and who knows as they know what they endured in behalf of their country and of this State; and that Senator Johnston further express to the Confederate soldiers the feeling of this Senate and of its every member that, in thus honoring the Men who Wore the Gray this Senate of the State of Texas does but honor itself and the people of this State; and be it further

"Resolved, That there be and hereby is appropriated from the contingent expense fund of this Senate the sum of two hundred and fifty dollars

to pay the expenses of the Special Delegate of Honor herein named and constituted on the mission upon which this Senate hereby sends him; and be it further

"Resolved, That the Secretary of the Senate duly certify to this resolution and that it be the credentials of our distinguished delegate as the bearer of this message, passed unanimously by the Senate of the State of Texas";

And, Whereas, Senator R. M. Johnston indicated to the Senate that he would not accept the sum covered by said resolution, but nevertheless the same was allowed and appropriated out of the contingent expense fund, and an account for same was presented to the Comptroller for payment; and

Whereas, On April 5, 1917, the Hon. H. B. Terrell, State Comptroller, returned said accounts to the Secretary of the Senate accompanied by the following letter:

Austin, Texas, April 5, 1917.

Hon. John D. McCall, Secretary of the Senate, Conroe, Texas.

My Dear Sir: I am returning herewith account in favor of Senator W. D. Suiter in the sum of \$175.00 intended by the Senate, according to resolution before me, "to reimburse him for money expended for a trained nurse and medical attention" during his illness while a member of the recent Senate. Also account in favor of Hon. R. M. Johnston in the sum of \$250.00 to defray his expenses as "the Special Delegate of Honor from the Senate of the State of Texas to the Confederate Veterans' Reunion to be held in the City of Washington in June."

Personally, I regret that I do not feel warranted in issuing warrant in either instance, but I am unable to find any statutory authority for same.

Very truly yours,

H. B. TERRELL,
Comptroller.

Now, therefore, be it Resolved, By the Senate of Texas that said resolutions and accounts, together with the letter of the Comptroller and the statements of Senators Suiter and Johnston in connection with said accounts, be transmitted by the Secretary of the Senate to the Senate Committee on Civil Jurisprudence, and that said committee be requested by the Senate to make a careful investi-

gation and report back to the Senate with their opinion as to the legality of the Act of the Senate in allowing said accounts, and their further opinion as to whether or not under the Constitution and laws of the State of Texas the Comptroller was authorized in refusing to issue warrants to cover the same.

McNEALUS, Chairman.
PAGE.
HUDSPETH.

The resolution was read and adopted.

Adjournment.

At 12:20 o'clock p. m., on motion of Senator Bee, the Senate adjourned until 10 o'clock next Monday morning, April 23.

APPENDIX.

Petitions and Memorials.

Senator Lattimore presented to the Senate a communication from the Fort Worth Chamber of Commerce, recommending an organization by the Legislature known as the "Food and Feed Corps of Texas" and offering, at its own expense, sufficient men to care for the Tarrant County unit.

FOURTH DAY.

Senate Chamber,
Austin, Texas,
Monday, April 23, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Suiter.

The roll was called, a quorum being present, the following Senators answering to their names:

Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Clark.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Parr.
Gibson.	Robbins.
Hall.	Smith.
Harley.	Strickland.
Honkins.	Suiter.
Hudspeth.	Westbrook.
Johnson of Hall.	Woodward.

Absent.

Bee. Caldwell.

Absent—Excused.

Alderdice. Henderson.
Bailey. Johnston of Harris.
Floyd.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

"America."

At the suggestion of Senator Lattimore, the Senate and all in the Senate Chamber stood and sang our national hymn—"America."

Patriotic Speech.

The Chair appointed Senators Lattimore, Hudspeth and McNealus as a special committee to escort Senator Gibson to the president's stand, whereupon he delivered a patriotic speech inspired by the American flag recently placed in the Chamber by a vote of the Senate.

As introductory to his remarks, Senator Gibson had read the following:

The Evolution of the Flag.

The poetic impression that our National flag was the spontaneous creation of freedom, who "from her mountain height" impulsively tore a large fragment of the "azure robe of night" and therein planted the stars of the young Republic, is a beautiful one and a credit to Rodman Drake, but the fact is, the flag, like all good things that have a staying power, has had its several phases of evolution. It is the result of the deliberate thought of deliberate men.

It was nearly a year after the declaration of independence, when the Congress of 1777, in session at Phil-